

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NICHOLAS TRIPODES and )  
MARIA TRIPODES, )  
Plaintiffs, )  
v. ) 2:18cv1131  
NVR, INC. trading as HEARTLAND )  
HOMES OF PA, RITE RUG CO. doing )  
business as RITE RUG FLOORING and )  
ARMSTRONG FLOORING, INC., )  
Defendants. )  
Electronic Filing

**MEMORANDUM ORDER**

January 11, 2019

On August 27, 2018, the above captioned case was removed to this court and was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 6, 2018 (ECF No. 31) recommending that the Motion to Remand (ECF No. 22) be denied. On November 20, 2018, Plaintiffs filed their objections (ECF No. 31) and on December 10, 2018, Defendant filed its response thereto. (ECF No. 34).

After *de nova* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 11<sup>th</sup> day of January, 2019,

IT IS HEREBY ORDERED that the Motion to Remand to State Court, (ECF No. 22) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 31) dated November 6, 2018, is hereby **ADOPTED** as the opinion of the Court.

s/ DAVID STEWART CERcone

David Stewart Cercone

Senior United States District Judge

cc: Michael J. Cremonese, Esquire  
Alexandra Farone, Esquire  
Kathleen A. Gallagher, Esquire  
Carolyn Batz McGree, Esquire  
Russell D. Giancola, Esquire  
Peter N. Georgiades, Esquire  
Victor D. Radel, Esquire  
Magistrate Judge Maureen P. Kelly

*(Via CM/ECF Electronic Mail)*